

REMARKS

Claims 1-15 are pending in this application. Claims 2, 10 and 13-15 are allowed. Claims 7-9 remain withdrawn from consideration by the Examiner for being drawn to non-elected subject matter. No new matter is presented herein.

Allowed and Allowable Subject Matter

Applicants respectfully acknowledge and appreciate the indication by the Examiner that Claims 2, 10 and 13-15 are allowed. Applicants note that the Office Action Summary provides information that conflicts with the remainder of the Office Action. In particular, while page 4 of the Office Action states Claims 2, 10 and 13-15 are allowed, the Office Action Summary page appears to include typographical errors as the Summary page lists Claims 2 and 10 as rejected and Claims 13-15 as being withdrawn from consideration.

Moreover, as the instant Office Action does not reject Claims 3, 5-6 and 11-12, Applicants presume the Examiner maintains the position that Claims 3, 5-6 and 11-12, although objected to for being dependent upon a rejected base claim, i.e., Claim 1, such claims would be in condition for allowance if rewritten or amended to include all of the features of the base claim and any intervening claims. Applicants respectfully acknowledge and appreciate the Examiner maintaining the allowability of Claims 3, 5-6 and 11-12.

Receipt of Priority Document

The instant application claims priority from JP 2003-013525, which is indicated on the transmittal form submitted when the application was filed. Applicants note a certified copy of priority document JP 2003-013525 was filed in the Patent Office on September 27, 2004. As evidence of Applicants having timely filed the Priority Document, Applicants attach hereto a copy of the first page of the Claim for Priority, which clearly includes the PTO date-stamp of September 27, 2004, verifying the Patent Office has received the Claim for Priority and the certified priority document. Moreover, also enclosed herein is a screen shot from PAIR for the subject application showing that on September 27, 2004 (i.e., 9-27-2004) Applicants filed foreign priority papers. Yet, to date, the Office Actions dated July 25, 2005, September 15, 2005, and the instant Office Action dated January 26, 2006, have yet to properly acknowledge the claim for priority, even though the Response dated November 10, 2005 requested that any subsequent official paper from the Patent Office properly indicate receipt of the certified copy of the priority document. As such, in view of the above, Applicants again request that any subsequent official communication from the Patent Office properly acknowledge the claim for priority as well as indicate receipt of the certified copy of the priority document.

Claim Rejections – 35 U.S.C. §102 & §103

Claims 1 and 4 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Number 6,743,976 to Motzigkeit while Claim 4 is also rejected under 35 U.S.C. §103(a) as being unpatentable over Motzigkeit. Applicants respectfully traverse the rejections for being based upon a reference that is not a valid prior art reference.

In particular, Applicants respectfully note that the instant application, which was filed on January 22, 2004, claims priority from Japanese Application No. 2003-013525, which was filed on January 22, 2003. Therefore, the instant application has an effective filing date of January 22, 2003. Moreover, receipt of the certified copy of the priority document and the claim for priority was made by the Patent Office as evidenced by the documents and Image File Wrapper on the PTO's web site. However, the Applicants have yet to receive, in an Office Action, acknowledgement that the certified copy of the priority document and the claim for priority have been received. Presuming such acknowledgement will finally be forthcoming in the subsequent official communication from the Patent Office, and in order to perfect the claim for priority, Applicants enclose herein a verified translation of the priority document. Accordingly, Applicants respectfully submit the effective filing date of the instant application is January 22, 2003.

Additionally, Applicants respectfully note the effective filing date of Motzigkeit is its U.S. filing date, that being May 27, 2003.

Given that the effective filing date of the present application (January 22, 2003) precedes the effective filing date of Motzigkeit (May 27, 2003) by about four (4) months, Applicants respectfully submit Motzigkeit is not a valid prior art reference and the rejections of Claims 1 and 4 wherein Motzigkeit is the only reference cited against such claims, are inappropriate and should be withdrawn.

Rejoinder of Claims 7-9

As noted in the Response dated August 8, 2005, Applicants respectfully submit that Claims 1-6 and 10-12 are generic to all species. Accordingly, upon the allowance of generic Claims 1 and 4, Applicants respectfully request the rejoinder of the claims directed to the non-elected species, i.e., Claims 7-9, as provided by 37 C.F.R. § 1.141.

Conclusion

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding objection and rejections, rejoinder of Claims 7-9, allowance of Claims 1-15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107355-00106.**

Respectfully submitted,
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Enclosures: Screen Shot of PTO Date-Stamped cover page of Claim for Priority
Screen Shot of PAIR
English Translation of Priority Document JP 2003-013525



Printer Friendly

10/761,426 Vehicle power cables retaining structure

Image File Wrapper

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

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